

1 HARVEY P. SACKETT (72488)

2 **S A C K E T T**  
**AND ASSOCIATES**  
3 A PROFESSIONAL LAW CORP.

4 548 Market Street, Suite 38822  
5 San Francisco, California 94104-5401  
Telephone: (408) 295-7755  
Facsimile: (408) 295-7444

6 Attorney for Plaintiff

7 /as

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 BOBBI G. WORKMAN, ) Case No.: 4:19-cv-03895-YGR  
12 ) ORDER GRANTING  
Plaintiff, ) STIPULATION AND ~~[PROPOSED]~~  
13 v. ) ORDER FOR THE AWARD AND  
14 ANDREW SAUL, ) PAYMENT OF ATTORNEY FEES  
Commissioner of Social Security, ) PURSUANT TO THE EQUAL  
15 ) ACCESS TO JUSTICE ACT, 28  
Defendant. ) U.S.C. § 2412(d)  
16 )  
17 )  
18 )

19 On February 11, 2020 this Court issued an order reversing the final decision of the  
20 Defendant, Andrew Saul, the Commissioner of Social Security (Commissioner), with a remand  
21 for a rehearing, 42 U.S.C. § 405(g) (sentence four); judgment was entered.

22 In the interest of administrative and judicial economy, the parties have agreed to  
23 stipulate that an award of THREE THOUSAND EIGHT HUNDRED TWENTY-FOUR AND  
24 FOURTY (\$3,824.40) in attorney fees under the Equal Access to Justice Act (EAJA), 28  
25 U.S.C. § 2412(d), is reasonable. This award is without prejudice to Plaintiff's right to seek  
26 attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to  
27

1 the offset provisions of the EAJA. However, this award shall constitute a complete release  
2 from and bar to any claims Plaintiff may have relating to EAJA fees and costs. Further, such  
3 award shall not be used as precedent in any future cases, nor be construed as a concession by  
4 the Commissioner that the original administrative decision denying benefits to Plaintiff was not  
5 substantially justified.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
7 attorney fees and does not constitute an admission of liability on the part of Defendant under  
8 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release  
9 from, and bar to, any and all claims that Plaintiff and/or counsel, including but not limited to  
10 Harvey P. Sackett, and Sackett and Associates, may have relating to EAJA attorney fees in  
11 connection with this action.

12 After the Court issues an order for EAJA fees to Plaintiff, the Government will  
13 consider the matter of Plaintiff's assignment of EAJA fees to Harvey P. Sackett ("Counsel").  
14 Pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the ability to honor an assignment will  
15 depend on whether the fees are subject to any offset allowed under the United States  
16 Department of the Treasury's Offset Program. After the order for EAJA is entered, the  
17 Government will determine whether they are subject to offset. Fees shall be made payable to  
18 Plaintiff, but if the Department of Treasury determines Plaintiff does not owe a federal debt,  
19 then the Government shall cause the payment of fees, expenses, and costs to be made payable  
20 directly to Counsel, pursuant to the assignment executed by Plaintiff. Any payments made  
21 shall be delivered and made payable to Counsel.

22 Accordingly, Defendant agrees to pay Plaintiff \$3,824.40 in attorney's fees.

23 All parties whose signature lines appear in this document have consented to its filing.  
24 This award is without prejudice to the rights of Sackett and Associates and/or Harvey P.

1 Sackett to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the  
2 savings clause provisions of the EAJA.

3  
4 Dated: May 6, 2020

SACKETT AND ASSOCIATES

5 By: /s/ HARVEY P. SACKETT  
6 HARVEY P. SACKETT  
7 Attorney for Plaintiff  
BOBBI G. WORKMAN

8  
9 Dated: May 8, 2020

DAVID L. ANDERSON  
United States Attorney

10 By: /s/JENNIFER L. TARN  
11 JENNIFER L. TARN  
12 Special Assistant United States Attorney  
13 Attorneys for Defendant  
[\*As authorized by email on 5/6/20]

14 ORDER

15  
16 Pursuant to the stipulation, IT IS SO ORDERED.

17  
18 Dated: May 13, 2020

  
Hon. Yvonne Gonzalez Rogers  
United States District Judge